

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Review of the Emergency Alert System)	EB Docket No. 04-296
)	
To: The Commission		

**JOINT COMMENTS OF PANAMSAT CORPORATION,
SES AMERICOM, INC., AND INTELSAT, LTD.**

PanAmSat Corporation (“PanAmSat”), SES Americom, Inc. (“SES Americom”), and Intelsat, Ltd. (“Intelsat”; collectively, “Petitioners”), by their attorneys, hereby submit joint comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned proceeding.¹

In the First Report and Order (the “R&O”), the Commission extended the requirements of the Emergency Alert System (“EAS”) to other distribution systems, including digital television and radio, digital cable, and satellite television and radio. In so doing, the Commission helped to ensure that public alerts and warnings will be distributed through a wider variety of channels and, thereby, improved the public’s access to these essential communications. Petitioners applaud the Commission’s actions, which enhance the effectiveness of the EAS.²

¹ First Report and Order and Further Notice of Proposed Rulemaking, EB Docket No. 04-296, FCC 05-191 (Nov. 10, 2005).

² In a Petition for Partial Reconsideration filed on December 27, 2005, Petitioners urged the Commission to apply the EAS requirements for FSS-DTH systems directly to the programming entities that determine and control the content distributed to consumers, rather than to the operators of the satellites over which the signals are transmitted. In addition, in the event the Commission declines to make this change, Petitioners urged the Commission to grandfather existing contracts and to provide an exemption for DTH FSS services that are directed primarily to consumers outside of the United States. Petitioners’ suggestions are intended

In connection with the Commission's ongoing effort to make further improvements to the EAS, and in response to the questions posed in the FNPRM, Petitioners:

(i) take no position concerning whether satellites should be employed as an integral part of any national EAS distribution network, but discuss the characteristics that make satellites capable of distributing point-to-multipoint communications such as those required by the EAS network; and

(ii) oppose requiring direct-to-home ("DTH") services transmitted via Ku-band fixed satellite service ("FSS") satellites to distribute state and local EAS alerts, which would be unworkable because, among other reasons, DTH FSS satellites cast wide-area footprints that do not conform to state and local boundaries.

I. SATELLITES COULD PLAY A ROLE IN A NATIONAL EAS NETWORK.

In the FNPRM, the Commission explored actions it might take to facilitate the development of a more comprehensive EAS system.³ Among other issues, the Commission sought comment on whether the public would be served more effectively if EAS messages were distributed via a point-to-multipoint delivery system directly to media outlets, either instead of or in addition to other distribution systems.⁴ In this context, the Commission asked whether employing a satellite-based delivery system would be effective.⁵

to improve the effectiveness, enforceability and fairness of the EAS requirements, and are in keeping with Petitioners' support for the Commission's underlying policies.

³ FNPRM at ¶ 61.

⁴ FNPRM at ¶ 66.

⁵ FNPRM at ¶ 66.

Petitioners take no position concerning whether satellites should be employed as an integral part of any national EAS distribution network. Petitioners are bringing to the Commission's attention, however, certain attributes of commercial satellites that the Commission may wish to take into account in arriving at a decision on this issue. These are:

Ubiquity: U.S. domestic satellites blanket the country with their signals, providing a means to reach virtually anywhere in the United States from anywhere in the country.

Easy, rapid deployment: Satellite antennas can be installed in virtually any location, including in areas that lack terrestrial infrastructure. New sites can be added to a network rapidly – on a nearly instantaneous basis, when transportable earth stations are used, and often in a matter of weeks, when a traditional antenna, modem and satellite circuit are used. Additional capacity, whether to accommodate growth over time or to deal with near-term spikes in the event of an emergency, can be added just as quickly.

Flexibility: Any site equipped with a transmit/receive antenna can serve as an originator or a recipient of communications.

Reliability and Performance: Satellites provide highly reliable communications, with availability levels approaching 100 percent. In addition, because satellite-based

Internet services link directly to the Internet backbone, they bypass congested terrestrial lines and numerous router hops, providing for better, faster service.⁶

Scalability and Versatility: Satellite networks can be scaled up and down to meet changing needs over time and can be used to support a wide variety of applications, including multicasting of data and video, broadband data transmissions, IP-based interconnectivity, streaming and caching, voice communications, and LAN/WAN interconnections.

Cost-effectiveness: Satellite pricing is insensitive to distance and geographic barriers, and satellite capacity can be matched to traffic patterns. As a result, satellite networks are cost-effective across a wide spectrum of network uses and designs.

Satellites carry a significant volume of data, voice, and IP-based traffic for a variety of entities requiring the type of distributed, point-to-multipoint services envisioned in the FNPRM, including governments, corporate customers, educational institutions, hospitals and other health organizations, and news and information service providers. Satellites could play a similar role in an EAS network, distributing emergency communications to service providers for onward transmission to the public. Satellites also are suitable for augmenting or replacing other communications links when disasters, network failures and network overloads occur. If the Commission decides that satellites should play a role in EAS distribution, the satellite industry is ready, willing, and able to assist.

⁶ As the Commission has noted, the Internet is virtually certain to play an important role in distributing alerts and warnings. FNPRM at ¶ 66.

II. THE COMMISSION SHOULD NOT REQUIRE DTH FSS SYSTEMS TO DELIVER STATE AND LOCAL EAS MESSAGES.

Under the rules adopted in the R&O, DTH FSS systems are required to carry EAS alerts only if they are national in scope.⁷ In the FNPRM, however, the Commission requested comment on whether these systems - and other technologies that deliver programming on a national basis - also should be required to deliver state and local alerts.⁸ Petitioners urge the Commission not to adopt such a requirement.

DTH FSS services are “one size fits all” in nature. A DTH service provider using an FSS satellite typically uplinks its program service to the satellite from a national head end. The program service then would be transmitted to subscribers within the wide area covered by the FSS satellite’s footprint. An FSS satellite’s footprint may cover numerous states and localities, and in the case of many U.S. domestic satellites encompasses all 50 states.

“One size fits all” services are by their nature incompatible with targeted state and local alerts. To distribute state and local alerts to the public, DTH FSS systems would have to interrupt programming being transmitted to large numbers of users across a wide

⁷ In the R&O, the Commission applied the EAS requirements for DTH FSS services to FSS satellite operators. In their reconsideration petition, Petitioners requested that the Commission apply these requirements instead to DTH FSS program service providers. *See* n. 1, *supra*.

⁸ FNPRM at ¶ 68.

area each time an individual state or locality provided an EAS alert.⁹ Such a regime would result in an unnecessarily large number of disruptions to unaffected viewers. Ultimately, moreover, it could dilute the sense of urgency that EAS alerts are meant to engender as consumers became accustomed to ignoring these broadcasts, most of which would be irrelevant to them.¹⁰

In addition, although Petitioners are unfamiliar with the architecture of the EAS network, it would seem that forcing DTH FSS systems to carry state and local alerts would present operational complexities and delays. As stated above, DTH FSS service providers typically generate their services from a single origination point. This origination point will be located within a particular state and locality. Different DTH FSS service providers use different origination points. If DTH FSS systems were to carry state and local alerts, therefore, the alerts could not just be generated, disseminated and distributed to the public within the relevant state or locality. Rather, they would have to be communicated up to a national level, re-transmitted down through the EAS network to EAS providers nationwide, and then carried or rejected by individual end points in the EAS network based upon whether they serve the territory affected by the alert.¹¹

⁹ In the FNPRM, the Commission sought comment on whether DTH providers could build the capability into their transmission systems and their next generation digital set top boxes to deliver state and local EAS alerts to only the appropriate state and local audiences. FNPRM at ¶ 68. Petitioners lack first hand knowledge on this issue, because DTH FSS services are provided by Petitioners' customers, rather than by Petitioners. To the best of Petitioners' knowledge, no such technology has become commercially available to date.

¹⁰ Satellites are well suited to distributing EAS messages to state and local media outlets, as discussed in Section I. Using satellites as part of a backbone distribution network, however, is fundamentally different from using satellites to distribute state and local EAS messages to individual citizens, in that the latter involves the interruption of regularly scheduled programming across an entire footprint each time a message must be transmitted to any individual locality.

¹¹ For example, an alert regarding an emergency in southern California would have to be carried by any end point covering California, but end points that did not serve southern California would have to find a way to distinguish between incoming alerts and reject this alert as irrelevant.

In sum, requiring DTH FSS systems to transmit state and local alerts to end users would subject viewers to numerous alerts that are irrelevant to them; would dilute the sense of urgency that EAS alerts are meant to convey; and would present operational complexities and delays. For these reasons, the Commission should limit its EAS requirements for DTH FSS systems to national EAS alerts.

CONCLUSION

In view of the foregoing:

- (i) in considering whether EAS messages should be distributed to media outlets via a point-to-multipoint delivery system, the Commission should take into account the characteristics of satellite systems that are discussed in these comments; and
- (ii) the Commission should not impose a requirement on DTH FSS systems to deliver state and local alerts to end users.

Respectfully submitted,

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